



BOARD OF PUBLIC WORKS & SAFETY APRIL 21, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 6:00 p.m.

PRESENT:	Board members Mayor Henderson, Kevin Hoover; City Attorney Shawna Koons-Davis; Director of Engineering Paul Peoni; and Acting Recording Secretary Nancy Sprong. Board member Warren Beville was not able to attend.
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Mr. Hoover moved to accept the minutes of the regular session of April 7th, with second by Mayor Henderson. Vote: Ayes.

Gail Richards, Executive Director of the Greater Greenwood Chamber of Commerce, came forward to ask permission to use the Greenwood Municipal Airport as the venue for the 2005 Chamber Ball on April 23rd. There will be an outside caterer, indicated Ms. Richards, and she has obtained liability insurance. She brought a copy of the alcohol permit and the health permit for the caterer and their registered retail merchant's certificate. The scope and size of the event is the same as last year, and Ms. Richards indicated she has talked with the Police and Fire departments as well as the airport personnel. Mr. Hoover moved to grant the request to hold their function this weekend at the airport and to grant permission for MBP Catering to serve alcohol on the premises at this function. Second by the Mayor. Vote: Ayes.

Chief of Police Joe Pitcher brought first a list of DNA equipment for surplus declaration as well as a list of miscellaneous equipment for surplus declaration. For the past six years the department has been attempting to get a DNA lab up and running. Chief Pitcher explained the process of looking for areas to cut in their budget. He told the Board that for a department our size the DNA lab is a luxury, not a necessity, and not cost effective to process in-house, when the State police are drastically expanding their lab and two private labs are coming on-line within the next year. The Chief also looked at other departments in the State and found that the only other lab in a department of similar size was in the Anderson police department, which serves a city of 58,000 and a county of 130,000 people. They do not have a DNA lab, and neither does Fort Wayne, serving a city of 220,000 and a county of 360,000 with 413 sworn police officers. He requested that the equipment be offered for auction. The Chief estimated that it could easily cost over \$3 million over twenty years to run the lab. The equipment alone, he responded to the Mayor, would be \$52,000, just to start and there would be no stream of income. The Chief estimated the department could process 80 to 90 DNA cases a year and described the experience of Fort Wayne police, who sent 80 cases last year to the State police lab and had to send two emergency DNA cases to a private lab. In those emergency cases, the prosecutor paid for the cost of the private lab - \$1,000 to \$2,000 per sample. Chief Pitcher told the Board that in a worst case scenario, he estimates Greenwood would spend at the most \$40,000 to \$50,000 on outside labs. Mr. Hoover moved to declare the DNA equipment as listed be deemed surplus, no longer necessary, and to be disposed of in a manner deemed appropriate by the Police Chief in accordance with the directive of the City Attorney. Second by the Mayor. In response to the Mayor, Chief Pitcher estimated, with figures from Jenny Wood of the lab, that the City has possibly \$200,000 invested in the equipment. Ms. Wood then described the process of acquiring the equipment. She stated that in ordering the consumables to replace what has expired or been used, the cost would be \$100 per sample at the most. In response to Mr. Hoover, Ms. Wood said that there must be a technical leader (a master degree person) in the lab that has experience in DNA analysis. That person would oversee all the technical aspects. There is a program, she added, where the technical leader would be provided for about \$12,000 per year. Former Chief Hessman informed her that the department had been awarded a law enforcement block grant worth about \$11,000 or \$12,000 which had been set aside for this year whenever we are ready. Mayor Henderson commented that block grants, even some that have been approved, are not going to be funded. Per the Chief's recommendation, vote on the motion was Ayes. Motion carried.

Chief Pitcher moved on to discuss the miscellaneous equipment – a biohazard safety cabinet and a used gas chromatograph – mass spectrometer. Mr. Hoover moved to grant the request to declare this equipment as described as surplus equipment no longer fit for its purpose or of use to the City and such equipment can be disposed of by the Police Chief on the direction of the City Attorney. Second by Mayor Henderson. Vote: Ayes.

At this point, Chief Information Officer Rick Jones brought a list of items in irreparable condition or no longer of use to the City because of a change in needs and/or systems. These would also be for auction set for May 18th. Chief Pitcher noted that the department is still gathering everything to go to auction at Christy's. Mr. Hoover moved to grant the Technology Department's request to declare the items listed by Mr. Jones as surplus property and to dispose of them through the auction on May 18th. Second by the Mayor. Vote: Ayes.

Mr. Jones then brought information on a lease/purchase of a new copy machine to replace one that is in the administrative offices now and is no longer economically feasible to maintain. The machine will have printing, faxing, scanning and scan to email capabilities. Mr. Jones explained that the lease would be for 48 months at \$201.67 per month, with \$1 purchase payout at the end of the lease. The fixed monthly maintenance charge is \$.0135/copy. Mr. Hoover moved to approve lease/purchase agreement #071612501 with Xerox Corporation for a copy machine for the Greenwood Police Department and authorize the Mayor to sign the agreement on the Board's behalf. Second by the Mayor. Vote: Ayes. Chief Pitcher said the old copier would be transferred to the training center.

For the Reserve at Timber's Edge, Phase II Buildings 24-27 John Grimes of Projects Plus asked for acceptance and execution of the plat. Mr. Peoni confirmed that the plat is in acceptable form. Mr. Hoover moved to:

- 1) Execute the final as-built plat for buildings 24 – 27 at the Reserve at Timbers Edge, Phase II.

Second by the Mayor. Vote: Ayes.

Steve Williams of Franklin Engineering next came forward for Harrison Crossing Section 2 to request approval of the sanitary sewer construction plans and acceptance of the Sanitary Inspection & Testing Agreement. Mr. Peoni indicated that the Inspection & Testing Agreement is in order and the 50% fee has been paid. One final revision was needed on the sanitary sewer construction plans. Mr. Hoover then moved to:

- 1) Approve the sanitary sewer construction plans.
- 2) Accept the Inspection & Testing Agreement for sanitary sewers and ratify acceptance of the 50% upfront fee, subject to:
 - a) Receipt of the final review letter from the outside reviewer recommending approval of the construction plans.
 - b) Final review by the Engineering Department of the construction plans.

Second by Mayor Henderson. Vote: Ayes.

Ken Zumstein of J. Greg Allen & Associates, on behalf of Versacom Lot 1 (Indiana American Office Parke, Section 2, Block B) asked for acceptance of improvements, acceptance of maintenance bonds, acceptance of as-builts and release of performance bonds. Mr. Peoni indicated that a field inspection shows that all items being asked for acceptance or acknowledgement appear to have been satisfactorily installed. The amount shown on the maintenance bond is correct, and the City Attorney has approved the form. Mr. Peoni told the Board that he received mylar as-builts tonight as well as payment of Inspection & Testing fees. Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of dirtwork and storm sewers have been installed in reasonable compliance with the approved design plans for the Versacom site at Indiana American Office Parke.
- 2) Release performance bond #5011314 in the amount of \$41,670 from Bond Safeguard Insurance Company for the installation of the private dirtwork and storm sewers at the Versacom site at Indiana American Office Parke.
- 3) Acknowledge that the private improvement of erosion control has been installed in reasonable compliance with the approved design plans for the Versacom site at Indiana American Office Parke.
- 4) Release performance bond #5011315 in the amount of \$6,735 from Bond Safeguard Insurance Company for the installation of the private erosion control at the Versacom site at Indiana American Office Parke.
- 5) Accept the street improvements in the public right-of-way at the Versacom site at Indiana American Office Parke.

- 6) Accept the sidewalks within the public right-of-way at the Versacom site at Indiana American Office Parke.
- 7) Accept three (3) year maintenance bond #5014725 in the amount of \$3,202 from Bond Safeguard Insurance Company for the streets and sidewalks improvements in the public right-of-way at the Versacom site at Indiana American Office Parke.
- 8) Release performance bond #5011316 in the amount of \$13,939 from Bond Safeguard Insurance Company for the installation of street improvements in the public right-of-way at the Versacom site at Indiana American Office Parke.
- 9) Release performance bond #5011317 in the amount of \$2,069 from Bond Safeguard Insurance Company for the installation of the sidewalks in the public right-of-way at the Versacom site at Indiana American Office Parke, subject to:
 - a) Confirmation by the Engineering Department of the accuracy of the payment of Inspection & Testing fees.
 - b) Accuracy of the (2) sets of mylar as-builts.

Second by Mayor Henderson. Vote: Ayes.

From the audience Mr. Zumstein approached the Board to discuss Pinehurst, where they started construction about two years ago. They originally were going to develop single-family homes in the \$350,000 to \$400,000 price range. Since the neighboring development is multi-family, Mr. Zumstein explained that they do not feel they can market and sell lots for that type of single-family home. Another developer was going to buy the property and develop condominiums. Pinehurst LLC has now decided to develop the condominiums since the original condominium developer has dropped out of the picture. About six months ago, Mr. Zumstein recalled, they were before the Board for sewer capacity for condominiums in the Buckmoor system. Mr. Peoni has suggested to Mr. Zumstein that they get a rider for the erosion control bond changing the name from Pinehurst Subdivision to Pinehurst Condominiums. There will probably also need to be a new Inspection & Testing Agreement, per Mr. Peoni. This will be an HPR project, Mr. Zumstein stated. Mr. Hoover moved to approve the rider to the erosion control bond to change the name of the entity and approve a new or revised Inspection & Testing Agreement to reflect the name of the entity, with no change in terms. Second by Mayor Henderson. Vote: Ayes.

First on her Status of Tasks, the City Attorney discussed Aldrich Environmental, LLC's application to render sewage disposal service in an area along the eastern boundary of Morgan County south of State Road 144, a part of which is also a part of the area for which Wildwood Shores is seeking territorial authority. The copy of the application was sent by Robert Scott, the attorney assisting the City in monitoring the Wildwood Shores application to expand its current sewer service territory in Madison Township, Morgan County. Mr. Scott is asking whether the City also wishes to intervene in the Aldrich application for monitoring purposes. She had distributed a copy of Mr. Scott's letter, the notice of petition to intervene by Wildwood Shores Utilities, the Application of Aldrich Environmental, LLC for Certificate of Territorial Authority, and a map showing the general area for the proposed territory for the Board's review. Mr. Hoover moved to direct Mr. Scott, on the City's behalf, to intervene in the Aldrich application for purposes of monitoring the developments in that case, with the same cap set in the agreement. Second by the Mayor. In response to the Mayor, counsel said that there would be another agreement drawn up, with a cap set, as in the other agreement. Vote: Ayes.

The City Attorney brought up the agreement with Christy's of Indiana to conduct the auction on May 18, 2005 to sell City property. It will be finalized when Exhibit A, which itemizes all property to be sold, is attached. Mr. Hoover moved to approve the Auction Agreement with Christy's of Indiana, Inc. to sell City property that is no longer needed or is unfit for its intended purpose on May 18, 2005, to authorize the Mayor to sign the Agreement in the Board's behalf, and to direct staff to take all action necessary to legally advertise and effectuate the auction. Second by Mayor Henderson. Vote: Ayes.

Next Ms. Koons-Davis presented Conflict of Interest Disclosure Statements from Jim Lamb, for his son Kevin Lamb, who works part-time in the Parks Department over the summer, for any interest he may have in his earnings. Mr. Hoover moved to accept this Conflict of Interest Disclosure Statement as described. Second by the Mayor. Vote: Ayes.

Then a Conflict of Interest Disclosure Statement from Kevin Dillow on behalf of his son Jeremy Matthew Dillow, who will be working part-time in the Parks Department, for any interest he may have in his earnings. Mr. Hoover moved to accept this Conflict of Interest Disclosure Statement. Second by Mayor Henderson. Vote: Ayes.

The City Attorney described a Public Trails System easement to connect the trails system to the exercise area by the Senior Citizens Center. Their attorney Joyce Nies has approved the form, but the legal description and other exhibits need to be attached. Mr. Hoover moved to accept the easement grant from the Senior Citizens Center, as described, subject to the City Attorney's final review and approval. Second by the Mayor. Vote: Ayes.

First on his Status of Tasks, Mr. Peoni presented an offsite drainage easement for the Trails at Woodfield, Section 3 and Woodfield Estates. This is for the ultimate outlet of their detention pond. The form was prepared by the Legal Department and the legal description and graphic exhibit have been approved by the Engineering Department. Mr. Hoover moved to accept the easement as prepared. Second by the Mayor. Vote: Ayes.

The developer of Southern Pines, Section 4 asks for acceptance of the Inspection & Testing Agreement for both the sanitary sewer and all other improvements. Mr. Peoni confirmed they have paid the 50% fee for both. Mr. Hoover moved to accept the Inspection & Testing Agreements and ratify acceptance of the 50% upfront fees. Second by the Mayor. Vote: Ayes.

For Precedent South Business Center, Section 5, the developer asks for acceptance of the Inspection & Testing Agreement for both the sanitary sewer and all other improvements. They have paid their 50% fees also. Mr. Hoover moved to accept the Inspection & Testing Agreements as described and ratify acceptance of the 50% upfront fee. Second by the Mayor. Vote: Ayes.

Last were three performance bonds for erosion control. For the Chateau at Woodfield, Section 2, Mr. Hoover moved to accept performance bond #5014728 in the amount of \$177,460 for the installation of erosion control. Second by Mayor Henderson. Vote: Ayes.

Mr. Hoover now moved to accept performance bond #5014727 for the Trails at Woodfield, Section 3, in the amount of \$99,034 for the installation of erosion control. Second by the Mayor. Vote: Ayes.

Finally, Mr. Hoover moved to accept performance bond #5014726 for Woodfield Estates in the amount of \$7,727 for the installation of erosion control at that site. Second by Mayor Henderson. Vote: Ayes.

Human Resources Director Carolyn Gaier came forward to discuss approval of proposals for property and liability insurance. She presented quotes from Gregory & Appel and Jones & Associates. Andy Foster of Premiere Management described the quotes and told the Board that the coverage would basically stay the same as in the past. He told the Board that the main difference in the two quotes was that Jones & Associates had a \$5 million umbrella and Gregory & Appel has a \$1 million umbrella. To compare the cost, Mr. Foster said that with Jones & Associates the \$1 million umbrella would be \$15,859. Mayor Henderson told the Board that Mr. Beville had told him in conversation that he was convinced the City should not carry more than a \$1 million umbrella, after studying past history and checking with other communities. Mayor Henderson then moved that the umbrella be kept at \$1 million for whichever carrier is selected. Second by Mr. Hoover. Vote: Ayes. Mr. Foster said that would make the Jones & Associates total \$290,925.18, including Fire coverage. Gregory & Appel's total would be \$328,202, which also includes Fire coverage. In response to the Mayor, Ms. Gaier recalled that the City has been with Gregory & Appel for quite some time and has received excellent service. She added that Jones & Associates have good credentials and have quoted a lower cost, which means that the Board will have to weigh the experience behind the price. Mr. Foster noted that they had checked with other Fire Departments with regard to Jones & Associates and those departments reported no problems with the service or the product. Mayor Henderson reported that Fire Chief Steve Dhondt had also checked with several agencies that have used Jones & Associates and was told they were satisfied with both the coverage and the service. Given the concern about cost, Ms. Gaier replied for the Mayor, she thought it would be very careless not to seriously look at the figures that Jeff Stainfield of Jones & Associates gave us and replied to Mr. Hoover that she thought the Board needed to be mindful of that lower quote because it is a significant amount of money. There is the unknown, she added, of not knowing how smooth the transition would be working with a new company, compared to Gregory & Appel. Mayor Henderson told the Board that Mr. Beville had very favorable comments about Gregory & Appel but could not justify spending that much more money when Jones & Associates is a local company, and reports from other agencies have been favorable. Mayor Henderson moved to accept the proposal of Jones & Associates in the amount of \$290,925.18. Second by Mr. Hoover. Vote: Ayes. Mayor Henderson thanked David Stace of Gregory & Appel for the service provided in the past. The City has been very pleased, he said, and he mentioned that he feels Gregory & Appel will be offering proposals in the future.

The Mayor told Mr. Stainfield that he looked forward to having the same type of relationship with his company.

Regarding restructuring of the forensic laboratory, Ms. Gaier mentioned that Chief of Police desires to take one of the positions in the lab and revise the job description to Forensic Laboratory Director. Per her recommendation, Mr. Hoover moved to adopt the new position description for Forensic Laboratory Director. Second by Mayor Henderson. Vote: Ayes.

Mr. Hoover moved to approve the claims through April 21, 2005. Second by the Mayor. Vote: Ayes.

With no further business, the meeting adjourned at 7:00 p.m.